

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

**WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY**

(PCT Rule 66)

Date of mailing
(day/month/year) 06 JANUARY 2006 (06.01.2006)

Applicant's or agent's file reference
OP03-0149

REPLY DUE within 30 days from
the above date of mailing

International application No.

PCT/KR2004/000251

International filing date (day/month/year)

09 FEBRUARY 2004 (09.02.2004)

Priority date(day/month/year)

26 NOVEMBER 2003 (26.11.2003)

International Patent Classification (IPC) or both national classification and IPC

A61K 36/489(2006.01)i, A23L 1/29(2006.01)i, A61P 19/00(2006.01)i

Applicant

REXGENEBIOTECH CO., LTD. et al

1. ☒ The written opinion established by the International Searching Authority :

☒ is ☐ is not
considered to be a written opinion of the International Preliminary Examining Authority.

2. This _____ first _____ (first, etc.) opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
☐ Box No. II Priority
☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐ Box No. IV Lack of unity of invention
☐ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐ Box No. VI Certain documents cited
☐ Box No. VII Certain defects in the international application
☐ Box No. VIII Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When ? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How ? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.


For an informal communication with the examiner, see Rule 66.6.

For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary report on patentability
(Chapter II of the PCT) must be established according to Rule 69.2 is: **16 MARCH 2006 (16.03.2006)**

Name and mailing address of the IPEA/KR

 Korean Intellectual Property Office
920 Dunsan-dong, Seo-gu, Daejeon 302-701,
Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

YEO, Ho Sup

Telephone No. 82-42-481-5627



**WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMING AUTHORITY**

International application No.

PCT/KR2004/000251

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which was filed, unless otherwise indicated under this item.

- ☐ This opinion is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."):

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-53 _____, as originally filed/furnished
pages _____ received by this Authority on _____
pages _____ received by this Authority on _____
- ☒ the claims:
pages _____, as originally filed/furnished
pages _____, as amended (together with any statement) under Article 19
pages _____ 54-56 received by this Authority on 26/09/2005
pages _____ received by this Authority on _____
- ☒ the drawings:
pages _____ 1/21-21/21 _____, as originally filed/furnished
pages _____ received by this Authority on _____
pages _____ received by this Authority on _____
- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. 9, 14
- ☐ the drawings, sheet/fig _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheet/fig _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____

**WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMING AUTHORITY**

International application No.

PCT/KR2004/000251

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 7, 8, 10-13

because:

☒ the said international application, or the said claims Nos. 7, 8, 10-13
relate to the following subject matter which does not require an international preliminary examination (*specify*):

The subject-matter of claims 7, 8 and 10-13 does not require an international preliminary examination with respect to industrial applicability, as it is directed to a method for treatment of the human or animal body by therapy (PCT Article 34(4)(a)(i) and Rule 67.1(iv)).

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed (*specify*):

☐ no international search report has been established for said claims Nos. _____

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b) and 13ter.2.

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.